

IN THE DISTRICT COURT OF THE UNITED STATES

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WESTERN DISTRICT OF NEW YORK

for the Western District of New York

MAY 13 2021

BY: 

21 CR 75-V

MARCH 2021 GRAND JURY
(Impaneled 03/26/2021)

THE UNITED STATES OF AMERICA

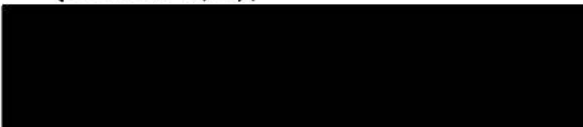
INDICTMENT

-vs-

ROBERT FLETCHER a/k/a Lucky
(Counts 1, 5-10).



BIANCA TURNER
(Counts 1, 2),



MICHAEL BERRY a/k/a Black
(Counts 1, 6), and



Violations:



Title 21, United States Code,
Sections 841(a)(1), 846, and 856(a)(1);
and

Title 18, United States Code,
Section 924(c)(1)(A)(i)
(10 Counts and 2 Forfeiture Allegations)

COUNT 1

(Narcotics Conspiracy)

The Grand Jury Charges That:

Between in or about January 2020, the exact date being unknown, and on or about July 14, 2020, in the Western District of New York, and elsewhere, the defendants, **ROBERT FLETCHER a/k/a Lucky**,  **BIANCA TURNER**,  **MICHAEL BERRY a/k/a Black**, and

[REDACTED] did knowingly, willfully and unlawfully combine, conspire, and agree together and with others, known and unknown, to commit the following offenses, that is, to possess with intent to distribute, and to distribute, 1 kilogram or more of a mixture and substance containing heroin, a Schedule I controlled substance; 500 grams or more of a mixture and substance containing cocaine, a Schedule II controlled substance; 400 grams or more of a mixture and substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance; cocaine base, a Schedule II controlled substance; and marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 841(b)(1)(C), and 841(b)(1)(D).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Possession of a Firearm in Furtherance of Drug Trafficking)

The Grand Jury Further Charges That:

Between in or about January 13, 2020, the exact date being unknown, and on or about January 15, 2020, in the Western District of New York, and elsewhere, the defendant, **BIANCA TURNER**, in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 846, committed in the manner set forth in Count 1 of this Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 3

(Attempt to Possess Cocaine with Intent to Distribute)

The Grand Jury Further Charges That:

Between on or about May 15, 2020, and on or about May 17, 2020, in the Western District of New York, and elsewhere, the defendant, [REDACTED]

[REDACTED] did knowingly, intentionally, and unlawfully attempt to possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

All in violation of Title 21, United States Code, Section 846.

COUNT 4

(Attempt to Possess Fentanyl with Intent to Distribute)

The Grand Jury Further Charges That:

Between on or about May 30, 2020, and on or about June 1, 2020, in the Western District of New York, and elsewhere, the defendant, [REDACTED]

[REDACTED] did knowingly, intentionally, and unlawfully attempt to possess with intent to distribute 40 or more grams of a mixture and substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT 5

(Possession of Cocaine with Intent to Distribute)

The Grand Jury Further Charges That:

On or about June 4, 2020, in the Western District of New York, the defendant, **ROBERT FLETCHER a/k/a Lucky**, did knowingly, intentionally, and unlawfully possess with intent to distribute cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 6

(Attempt to Possess Cocaine with Intent to Distribute)

The Grand Jury Further Charges That:

On or about June 4, 2020, in the Western District of New York, and elsewhere, the defendants, **ROBERT FLETCHER a/k/a Lucky**, **MICHAEL BERRY a/k/a Black**, and [REDACTED] did knowingly, intentionally, and unlawfully possess with intent to distribute, and attempt to possess with intent to distribute, cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846.

COUNT 7

(Possession of Cocaine with Intent to Distribute)

The Grand Jury Further Charges That:

On or about July 14, 2020, in the Western District of New York, the defendant, **ROBERT FLETCHER a/k/a Lucky**, did knowingly, intentionally, and unlawfully possess with intent to distribute cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 8

(Possession of Cocaine Base with Intent to Distribute)

The Grand Jury Further Charges That:

On or about July 14, 2020, in the Western District of New York, the defendant, **ROBERT FLETCHER a/k/a Lucky**, did knowingly, intentionally, and unlawfully possess with intent to distribute cocaine base, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 9

(Possession of Fentanyl with Intent to Distribute)

The Grand Jury Further Charges That:

On or about July 14, 2020, in the Western District of New York, the defendant, **ROBERT FLETCHER a/k/a Lucky**, did knowingly, intentionally, and unlawfully possess with intent to distribute fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 10

(Maintaining a Drug-Involved Premises)

The Grand Jury Further Charges That:

Beginning in or before May 2020, the exact date being unknown, and continuing until on or about July 14, 2020, in the Western District of New York, the defendant, **ROBERT FLETCHER a/k/a Lucky**, did knowingly, intentionally, and unlawfully use and maintain a place, that is, the premises at 1110 East Lovejoy Street, upper front apartment, Buffalo, New York, for the purpose of manufacturing, distributing, and using cocaine, a Schedule II controlled substance; cocaine base, a Schedule II controlled substance; fentanyl, a Schedule II controlled substance; and marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

**ALLEGATION OF PRIOR CONVICTIONS
FOR SERIOUS VIOLENT FELONIES**

Before the defendant, [REDACTED] committed the offenses charged in Counts 1 and 4 of this Indictment, the defendant had final convictions for serious violent felonies, that is, violations of New York State Penal Law §§ 120.10(1) and 160.10(1), for which the defendant served more than 12 months of imprisonment.

**ALLEGATION OF PRIOR CONVICTION
FOR SERIOUS DRUG FELONY**

Before the defendant, [REDACTED] committed the offenses charged in Counts 1 and 4 of this Indictment, the defendant had a final conviction for a serious drug felony, that is, a violation of Title 21, United States Code, § 846, for which

the defendant served more than 12 months of imprisonment and for which the defendant was released from serving any term of imprisonment related to the offense within 15 years of the commencement of the offenses charged in Counts 1 and 4 of this Indictment.

**ALLEGATION OF PRIOR CONVICTION
FOR SERIOUS DRUG FELONY**

Before the defendant, [REDACTED] committed the offense charged in Count 1 of this Indictment, the defendant had a final conviction for a serious drug felony, that is, a violation of Title 21, United States Code, § 846, for which the defendant served more than 12 months of imprisonment and for which the defendant was released from serving any term of imprisonment related to the offense within 15 years of the commencement of the offense charged in Count 1 of this Indictment.

FIRST FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the controlled substance offenses alleged in this Indictment, the defendants, ROBERT FLETCHER a/k/a Lucky, [REDACTED] BIANCA TURNER, [REDACTED] MICHAEL BERRY a/k/a Black, and [REDACTED] shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violation(s) and any and all property used, and intended to be used, in any manner or part, to commit or to facilitate the commission of said violation(s), including, but not limited to the following:

CURRENCY:

The sum of approximately Ten Thousand Five Hundred Seven dollars (\$10,507) in United States currency seized by law enforcement officers on or about May 30, 2020.

MONETARY JUDGMENT:

The sum of at least Four Hundred Sixty-Seven Thousand Dollars (\$467,000) in United States currency or an amount to be determined by the Court, to be evidenced by a monetary judgment issued by this Court in aforesaid amount. Said judgment amount to be held joint and severally will accrue at the prevailing rate per annum and serve as a judgment and lien against defendant's property, wherever situated until fully satisfied.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above property.

All pursuant to Title 21, United States Code, Sections 853(a)(1) and 853(a)(2).

SECOND FORFEITURE ALLEGATION

The Grand Jury Further Alleges That:

Upon conviction of Counts 1 and/or 2 of this Indictment, the defendant, **BIANCA TURNER**, shall forfeit all her right, title, and interest to the United States of any firearm and ammunition involved and used in the commission of the offenses, or found in her possession or under her immediate control at the time of arrest, including, but not limited to the following:

FIREARM:

One (1) Taurus GZC 9mm semi-automatic pistol, bearing serial number TMR86011, seized by law enforcement on or about January 15, 2020.

All pursuant to Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).

DATED: Buffalo, New York, May 13, 2021.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON